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Forcible Confinement in Canada, 2007

by Mia Dauvergne

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Symbols page

. not available for any reference period

.. not available for a specific reference period

... not applicable

0 true zero or a value rounded to zero

0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded

^{p} preliminary

^{r} revised

x suppressed to meet the confidentiality requirements of the *Statistics Act*

^{E} use with caution

F too unreliable to be published

Forcible Confinement in Canada, 2007: Highlights

- In 2007, Canadian police services recorded nearly 4,600 incidents of forcible confinement, accounting for just over 1% of all violent crimes.
- Forcible confinement is one of the few violent crimes to be rising in Canada. The rate in 2007 was double what it was a decade ago and seven times higher than 20 years ago.
- Among the provinces, Manitoba and Quebec reported the highest rates of forcible confinement while Prince Edward Island, Newfoundland and Labrador and New Brunswick reported the lowest. Quebec's relatively high rate of forcible confinement differs from the rates of most other violent crimes in the province which tend to fall below the Canadian average.
- Some of the increase in forcible confinement may be related to police charging practices. This offence is somewhat unique in that about three-quarters of incidents involved other offences such as assault, uttering threats, sexual assault and robbery. In comparison, about one-quarter of all other violent offences occurred in conjunction with other offences.
- There are three main scenarios involving forcible confinement. The first, and most common, is associated with violence against spouses or other intimate partners. The second involves disputes between friends or acquaintances while the third involves robbery or break and enter, usually committed by a stranger.
- Persons charged with forcible confinement were less likely than those charged with other violent offences to be convicted in court. However, when convicted, sentences were more severe than for those convicted of other violent crimes.

Forcible Confinement in Canada, 2007

by Mia Dauvergne

In Canada, it is a criminal offence to unjustly hold anyone against their will through the use of threats, duress, force or the exhibition of force. This offence is called "forcible confinement" and is formally defined by the *Criminal Code* of Canada as depriving an individual of the liberty to move from one point to another by unlawfully confining, imprisoning or forcibly seizing that person.[1]

For the purposes of this report, the term "forcible confinement" also includes the offence of "kidnapping".[2] Kidnapping is similar to forcible confinement in that a person is held against their will, but it also involves the act of transporting the victim from one place to another. It is not possible to distinguish between these two offences from the data reported by police services; however, information from adult criminal courts shows the vast majority (94%) to be forcible confinement.

This article analyses data on forcible confinement (and kidnapping) that are collected by Canadian police services and reported to Statistics Canada via the Uniform Crime Reporting (UCR) Survey.[3] These data show that the 2007 rate of forcible confinement was at its highest point since this information first became available 30 years ago. Data from the Adult Criminal Courts Survey (ACCS) show that there has been a corresponding increase since 1994/1995 in the number of charges of forcible confinement.[4]

Incidents of forcible confinement climb over past 20 years

In 2007, Canadian police services reported about 4,600 incidents of forcible confinement (Table 1), accounting for just over 1% of all violent crimes. Forcible confinement occurs much less often than many violent crimes, including assault, sexual assault and robbery, but is more common than both homicide and attempted murder.

The long-term trend in forcible confinement differs from that of most other police-reported violent crimes in Canada. The rate of most violent crimes peaked in the early 1990s and generally declined thereafter. The trend in the rate of forcible confinement, however, began a steady increase in 1988 which then continued throughout the 1990s and 2000s (Chart 1). By 2007, the rate of 14 incidents per 100,000 population was more than double what it had been a decade earlier and seven times higher than it was 20 years ago (Text table 1).

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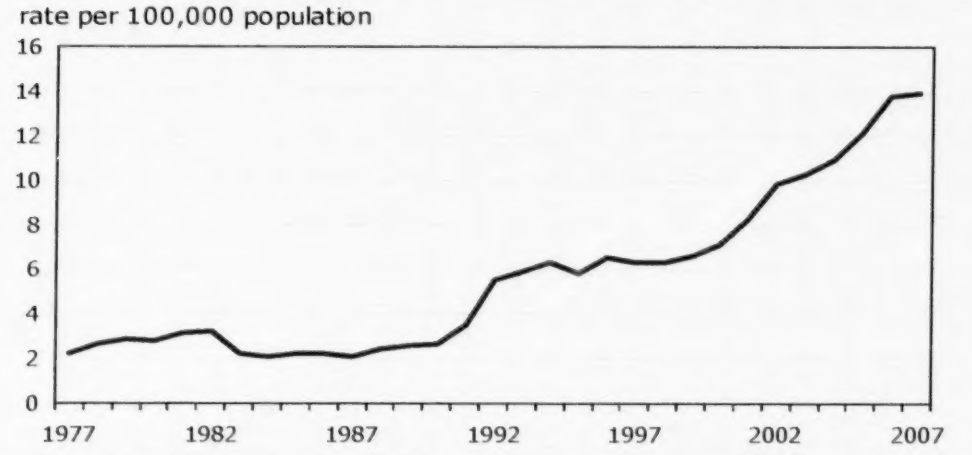
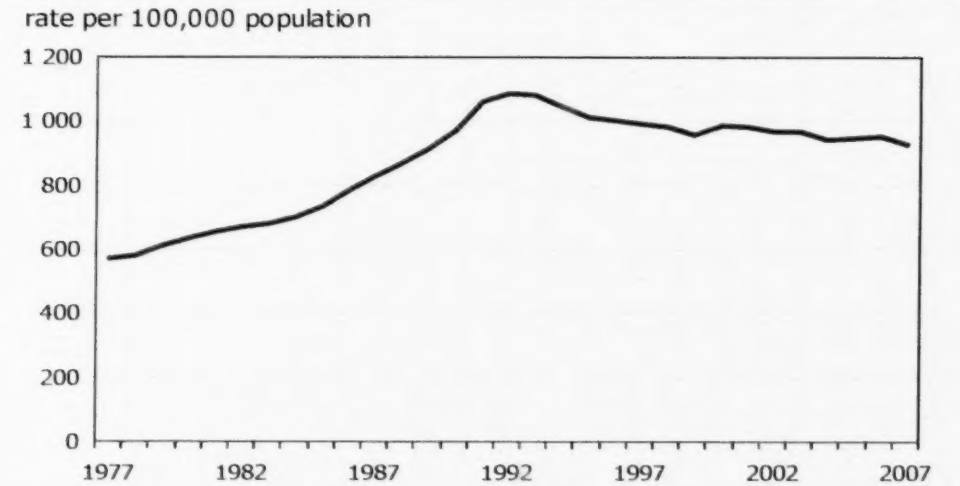
1. *Criminal Code*, R.S.C 1985, c. C-46, s. 279.
2. Forcible confinement does not include the offence of abduction which refers to the removal of a child without the consent of his/her legal guardian.
3. There are two versions of the Uniform Crime Reporting Survey used in this report: Aggregate and Incident-based. The Aggregate Uniform Crime Reporting (UCR) Survey reflects data reported by police services covering virtually 100% of the population of Canada. The Incident-based Uniform Crime Reporting Survey (UCR2) captures detailed information on individual criminal incidents reported to selected police services, including characteristics of incidents, victims and accused persons. In 2007, coverage of the UCR2 Survey incident counts represented approximately 94% of the population of Canada, while coverage for victims and accused persons counts represented approximately 90%. Incident-based UCR2 coverage was at least 97% in all provinces and territories except British Columbia (59%).
4. The Adult Criminal Courts Survey (ACCS) collects data according to fiscal year rather than calendar year. Trend data are available from 1994/1995 to 2006/2007 and reflect information reported by a subset of courts in Canada reflecting approximately 80% of the total caseload.

Chart 1a
Forcible confinement in Canada, 1977 to 2007



Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Chart 1b
Violent crime in Canada, 1977 to 2007



Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Text table 1
Forcible confinement, Canada, 1987 to 2007

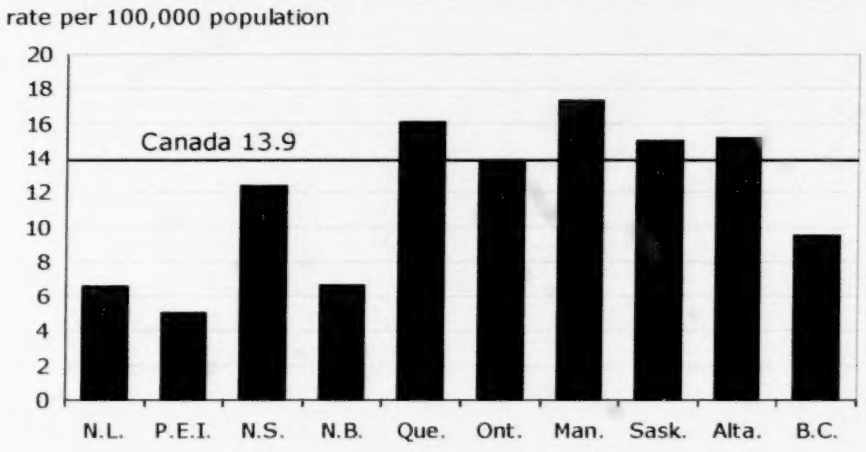
Year	number of incidents[1]	rate[2]
1987	542	2.0
1988	649	2.4
1989	708	2.6
1990	745	2.7
1991	992	3.5
1992	1,572	5.5
1993	1,678	5.9
1994	1,826	6.3
1995	1,703	5.8
1996	1,937	6.5
1997	1,885	6.3
1998	1,897	6.3
1999	2,014	6.6
2000	2,171	7.1
2001	2,550	8.2
2002	3,095	9.9
2003	3,250	10.3
2004	3,483	10.9
2005	3,918	12.1
2006	4,509	13.8
2007	4,595	13.9

1. Includes incidents of kidnapping.
2. Rates are calculated per 100,000 population. Population estimates are from Statistics Canada, Demography Division.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Aggregate Uniform Crime Reporting Survey.

Increases in forcible confinement seen in all provinces

Increases in police-reported incidents of forcible confinement over the past 20 years have occurred across the country. Among the provinces, Manitoba reported the greatest increase and, in 2007, this province's rate of 17 incidents per 100,000 population was the highest in Canada (Table 1, Chart 2). The lowest rates of forcible confinement were in Prince Edward Island, Newfoundland and Labrador and New Brunswick.

Chart 2
Forcible confinement, by province, 2007



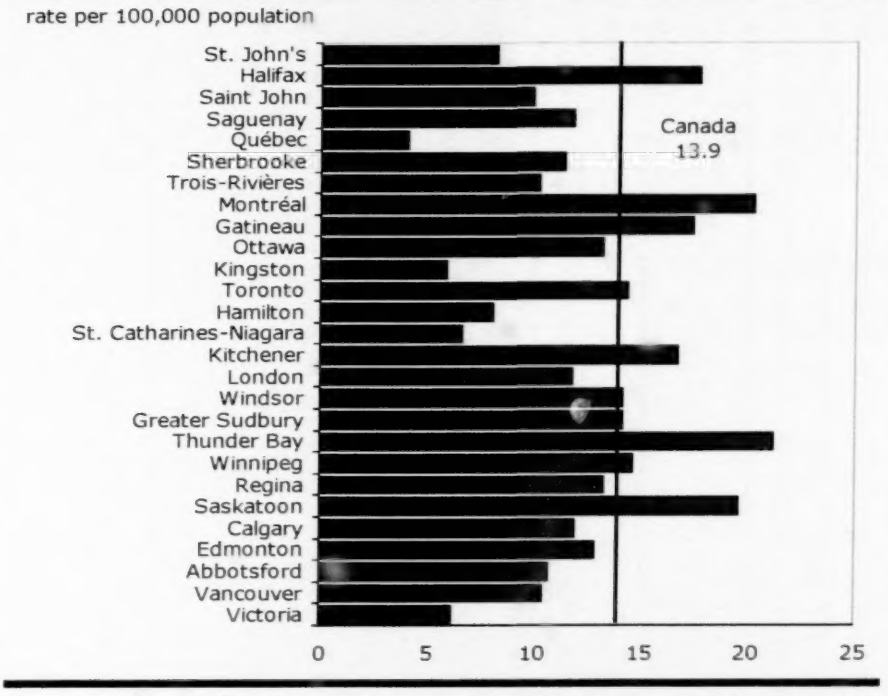
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

There are two provinces whose rates of forcible confinement deviate from their rates of violent crime in general: Quebec and British Columbia. In Quebec, the overall violent crime rate reported by police tends to be among the lowest in Canada; however, higher than average rates of forcible confinement have been consistently reported in this province for about 20 years. In 2007, the rate was the second highest among the provinces, at 16 incidents per 100,000 population.

Quebec's high rate of forcible confinement in 2007 was driven largely by Montréal whose rate was the second highest among Canada's 27 census metropolitan areas (Table 2, Chart 3). The city of Québec, on the other hand, reported the lowest rate among all metropolitan areas (4 incidents per 100,000 population).

In contrast to Quebec, the overall violent crime rate in British Columbia tends to be among the highest in Canada. However, this province's rate of forcible confinement has consistently fallen below the national average since 1991. At 9 incidents per 100,000 population, British Columbia's rate of forcible confinement in 2007 was closer to the rates in the Atlantic provinces than those in the western part of the country.

Chart 3
Forcible confinement, by census metropolitan area, 2007



Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Forcible confinement usually occurs in conjunction with other offences

The increase in forcible confinement appears to be related, at least in part, to police charging practices. Forcible confinement differs from other types of violent offences in that it usually occurs in conjunction with other violations. In 2007, for example, about three-quarters (78%) of incidents of forcible confinement involved other violations compared to one-quarter (25%) of all other violent incidents. Similarly, the vast majority of adult court cases in 2006/2007 involving forcible confinement also involved other charges although most forcible confinement charges were stayed, withdrawn, dismissed or discharged before proceeding to trial.

Using data from a subset of Canadian police services,[5] it is possible to compare the trend in incidents where forcible confinement was the only offence to that of incidents where forcible confinement was one of multiple offences. These data show that the increase in incidents involving only forcible confinement was much lower (35%) than the increase in incidents where forcible confinement was one of multiple offences (109%).

5. Information is based upon a non-representative sample of Canadian police services who have been consistently reporting to the Incident-based Uniform Crime Reporting (UCR) Survey since 1998. In 2007, coverage represented approximately 53% of the population of Canada.

The offences most often associated with forcible confinement are usually violent in nature. In 2007, incidents of forcible confinement were most frequently reported in conjunction with assault (53%), followed by uttering threats (23%), sexual assault (12%) and robbery (10%). Break and enter (8%) was the most common non-violent offence associated with forcible confinement. Fewer than 2% of incidents of forcible confinement occurred in combination with a drug-related offence.[6]

Half of all incidents of forcible confinement committed by spouses

In general, there are three primary situations in which forcible confinement occurs. The most common of these involves an incident of spousal or intimate partner violence. In 2007, about half (48%) of all victims of forcible confinement were held against their will by their spouse or other intimate partner, such as a boyfriend or girlfriend. Most incidents occurred in conjunction with another violent offence, such as assault (70%) or uttering threats (28%). Seven in 10 victims (71%) were in a current relationship with the perpetrator.

Police-reported data show that overall spousal violence is perpetrated against women more frequently than men. This finding is particularly true when the incident involves forcible confinement. In 2007, 98% of victims of spousal-related forcible confinement were women. This compares to 82% of victims of overall spousal violence.

Victims of spousal-related forcible confinement tend to be younger than victims of spousal violence in general. Police-reported data indicate that 40% of victims who were forcibly confined by their spouse in 2007 were between the ages of 15 and 24 years. In comparison, 28% of victims of overall spousal violence were in this age group.

Forcible confinement committed by friends or acquaintances

Another type of forcible confinement situation occurs during a dispute between friends or acquaintances,[7] usually in a residential setting. About 2 in 10 victims in 2007 were forcibly confined by a friend or acquaintance. The proportions of female and male victims were fairly similar (53% and 47% respectively).

About 4 in 10 forcible confinement incidents involving friends or acquaintances were associated with assault. Another 24% involved uttering threats and 18% of incidents occurred in conjunction with sexual assault.

Forcible confinement and robbery or break and enter

The third type of situation involving forcible confinement is associated with robbery or break and enter. While the overall rates of both robbery and break and enter have generally decreased over the past 10 years (particularly break and enter), the number of such incidents associated with forcible confinement has more than doubled. In 2007, 10% of all incidents of forcible confinement occurred in conjunction with robbery and 8% occurred during an incident of break and enter. About 6 in 10 victims were forcibly confined by a stranger.

6. Percentages do not add up to 100% as categories are not mutually exclusive. The Incident-based Uniform Crime Reporting (UCR2) Survey captures up to four violations for each incident.
7. Includes business partners, criminal associates and authority figures.

When these types of incidents occur in a private residence they are sometimes referred to as a "home invasion". In 2007, 47% of all robberies involving forcible confinement and 96% of break and enters involving forcible confinement occurred in a private residence. Another one-quarter (26%) of robberies involving forcible confinement occurred in a commercial establishment, such as a store or gas station.

In general, most incidents of forcible confinement are committed with the use of physical force and do not involve a weapon. However, when the incident was associated with robbery or break and enter, about half (53%) involved a weapon, usually a firearm or a knife. The vast majority of victims suffered little to no physical harm.

Cases of forcible confinement less likely than cases involving other violent crimes to result in conviction

While police are laying charges of forcible confinement more frequently than in the past, most do not result in a conviction. In 2006/2007, 17% of all charges of forcible confinement ended in a finding of guilt. This compares to 37% of charges involving all crimes of violence.[8]

Instead, charges of forcible confinement were more likely than other violent charges to be stayed, withdrawn, dismissed or discharged by courts (74% versus 54% respectively). Charges may be stayed, withdrawn, dismissed or discharged for a variety of reasons including court-sponsored diversion programs, lack of evidence or as a result of resolution discussions between the prosecution and the accused.[9]

If convicted, however, sentences for forcible confinement tend to be more severe than those for other violent crimes. An examination of 2006/2007 guilty cases, in which forcible confinement was the most serious offence, shows that 6 in 10 adults received a custodial sentence, double the proportion of adults sentenced to custody for other violent offences. Moreover, sentence lengths for convictions of forcible confinement were generally longer, averaging 309 days compared to 252 days for other violence crimes.[10]

Summary

Police-reported incidents of forcible confinement have been steadily rising in Canada over the past 20 years. Part of the increase may be related to police charging practices, as most incidents occur in conjunction with another violent offence, usually assault. About half of all forcible confinements involve spouses or other intimate partners, such as boyfriends or girlfriends. The conviction rate for this offence is lower than that for other violent crimes, as about three-quarters of charges for forcible confinement are stayed, withdrawn, dismissed or discharged by the courts. When convicted, however, sentences tended to be more severe than for other violent crimes.

8. In 2006/2007, the ACCS included data from all provinces and territories representing 98% of the adult criminal court caseload.
9. The resolution discussion may result in the accused being convicted of a different charge in the same case, even though the forcible confinement charge was not convicted.
10. Excludes Manitoba as data on custodial sentence lengths are not available from this province.

Detailed data tables

Table 1
Forcible confinement, by province and territory, 2007

Province and territory	number of incidents[1]	rate[2]	Percentage change in rate 1997 to 2007
Newfoundland & Labrador	33	6.5	618
Prince Edward Island	7	5.0	...
Nova Scotia	116	12.4	953
New Brunswick	50	6.7	286
Quebec	1,237	16.1	43
Ontario	1,771	13.8	168
Manitoba	205	17.3	1,536
Saskatchewan	149	14.9	31
Alberta	528	15.2	147
British Columbia	416	9.5	144
Yukon	12	38.7	...
Northwest Territories[3]	29	68.0	822
Nunavut[4]	42	135.0	3,521
Canada	**4,595**	**13.9**	**121**

1. Includes incidents of kidnapping.
2. Rates are calculated per 100,000 population. Population estimates are from Statistics Canada, Demography Division.
3. Includes Nunavut prior to 1999. As such, the percent change in the rate is calculated from 1999 to 2007.
4. Nunavut became a territory in 1999. As such, the percent change in the rate is calculated from 1999 to 2007.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Aggregate Uniform Crime Reporting Survey.

Table 2
Forcible confinement, by census metropolitan area, 2007

Census metropolitan area[1,2,3]	number of incidents[4]	rate[5]	Percentage change in rate 1997 to 2007
500,000 and over population			
Montréal	754	20.2	18
Winnipeg	107	14.6	2,342
Toronto	789	14.3	65
Ottawa[6]	117	13.1	996
Edmonton	141	12.9	171
Calgary	136	11.9	11
Vancouver	237	10.4	108
Hamilton	57	8.1	324
Québec	30	4.1	42
100,000 to less than 500,000 population			
Thunder Bay	26	21.2	243
Saskatoon	49	19.6	9
Halifax	68	17.6	442
Gatineau[7]	51	17.4	54
Kitchener	83	16.7	294
Greater Sudbury	23	14.2	297
Windsor	47	14.1	139
Regina	27	13.3	-37
London	56	11.7	963
Saguenay	17	11.7	389
Sherbrooke	17	11.3	312
Abbotsford[8]	18	10.6	226
Trois-Rivières	15	10.2	59
Saint John	10	9.9	513
St. John's	15	8.2	614
St.Catharines-Niagara	29	6.7	0
Victoria	21	6.2	27
Kingston[8]	9	5.9	-1
Canada	**4,595**	**13.9**	**121**

1. A census metropolitan area (CMA) refers to a large urban core (at least 100,000 population) combined with adjacent urban and rural areas that have a high degree of economic and social integration. A CMA typically comprises more than one police service.
2. CMA populations have been adjusted to follow policing boundaries.
3. The CMA of Oshawa is excluded from this table due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries.
4. Includes incidents of kidnapping.
5. Rates are calculated per 100,000 population. Population estimates are from Statistics Canada, Demography Division.
6. Refers to the Ontario part of the Ottawa-Gatineau CMA.
7. Refers to the Quebec part of the Ottawa-Gatineau CMA.
8. Abbotsford and Kingston became CMAs in 2001. As such, the percent change in the rate is calculated from 2001 to 2007.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Aggregate Uniform Crime Reporting Survey.